

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17 January 2024
Application Number	PL/2023/07380
Site Address	The Coach House, 5c Ash Walk, Warminster, BA12 8PY
Proposal	Retrospective application for the erection of new fencing
Applicant	Ms K. Massey
Town/Parish Council	Warminster
Electoral Division	Warminster West – Cllr Pip Ridout
Grid Ref	387-145
Type of application	Householder Planning Permission
Case Officer	Jonathan Maidman

Reason for the application being considered by Committee

In accordance with the Council's Scheme of Delegation Specific to Planning', this application is brought to the committee at the request of Cllr Ridout, based on the following: *"Please refuse porch canopy and permit fencing on front garden only to stay. Overlooked by 3 new houses opposite and vice versa. Applicant no objection to removing porch but wishes to keep overlap fencing just in front garden"*.

In further correspondence with Cllr Ridout, it was confirmed that the committee call-in request related solely *"for the existing fencing in the front garden to be retained...To afford applicant at least a degree of privacy in such a small part but important part of her property"*.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material planning considerations and to recommend that the application should be refused.

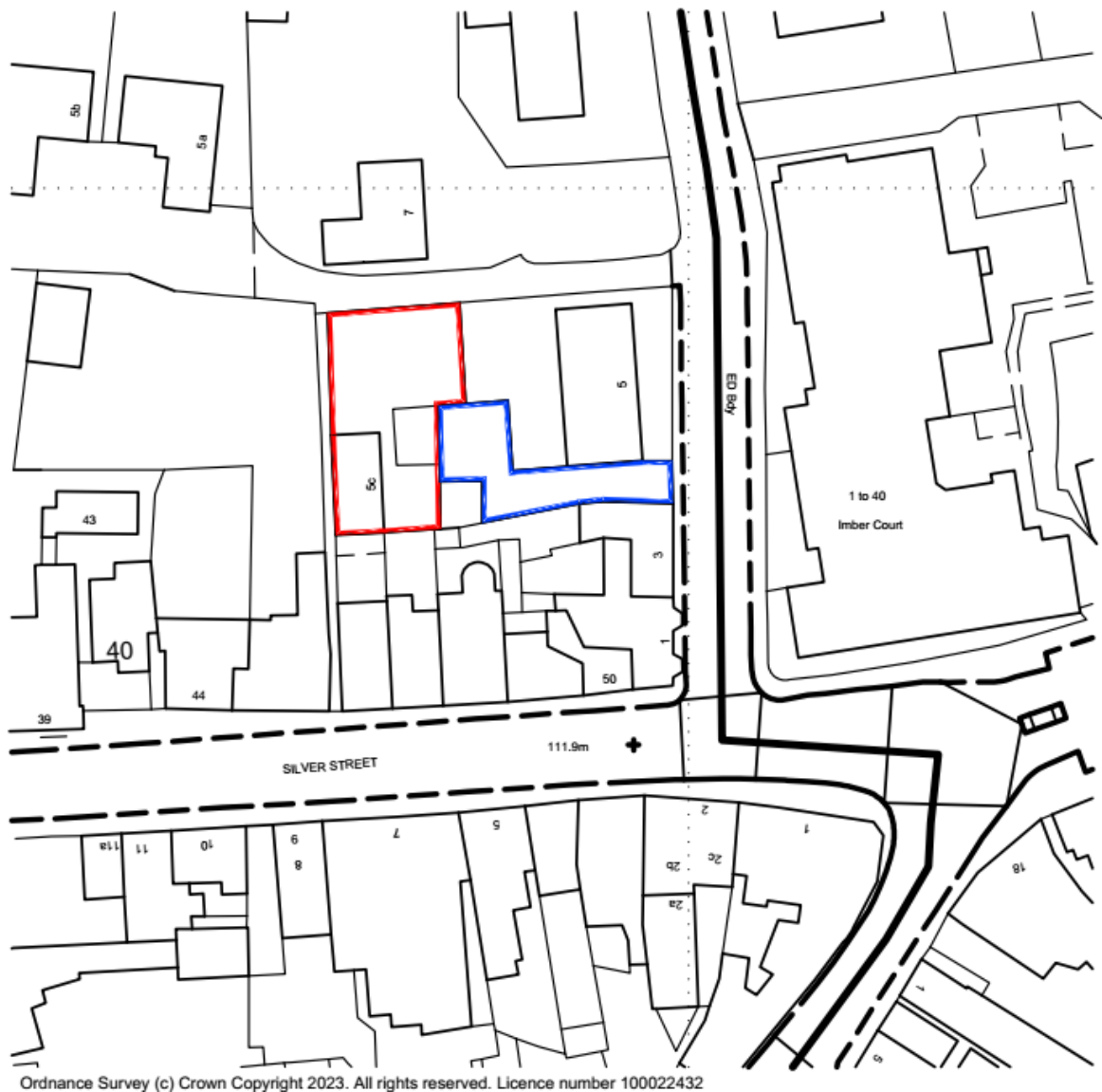
2. Report Summary

The main issues discussed in the report are as follows:

- Design, and impact on the setting of listed buildings and character appearance of the conservation area
- Neighbour amenity

3. Site Description

The Coach House is a detached dwelling to the rear of 5 Ash Walk in Warminster which is a grade II listed building. The site is also within the Warminster conservation area. The following shows the location of the site:



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The listing description for 5 Ash Walk (which was listed in March 1978) reads as follows:

*“The Old Police Station. Formerly a pair of houses. Early C19. 2 storeys. Ashlar Bath stone. Projecting plinth and let floor string. Flat eaves. flipped slate roof with central ashlar chimney. Each half of front has a slight break to central bay. Glazing bar sash windows, 6 single hung 1st floor, 5 on ground floor (originally 4) and modern door in centre bay of right hand part. The windows in projecting bay are narrower (2 panes wide). Dwarf stone wall with rounded capping and 2 pairs of small gate piers to the road. **Stable block detached at rear**”.*

Buildings within the curtilage (historic curtilage) of a listed building that pre-date July 1948 are deemed to be covered by the listing for the principal building (in this case, 5 Ash Walk).

As such, the former Coach House is a listed building (curtilage listed). The list description in this case specifically mentions the stable block at the rear (as highlighted in **bold** above).

Historic mapping also shows the stable block prior to July 1948 as confirmed on the next insert:



1844-1888 OS map

4. Planning History

- 16/07604/FUL: Conversion of redundant Coach House to a two-bedroom dwelling and associated external works (planning application) - **Approved**.
- 16/07965/LBC: Conversion of redundant Coach House to a two-bedroom dwelling and associated external works (listed building application) - **Approved**.

The above-mentioned permissions have been implemented and the dwelling is completed and occupied.

- PL/2023/08259: Retrospective Application for the erection of lightweight canopy porch (listed building application) - **Refused**.

It should be noted that originally, this application for planning permission also included reference to a porch which was recently refused by the Council under delegated authority and with the agreement of the local ward member.

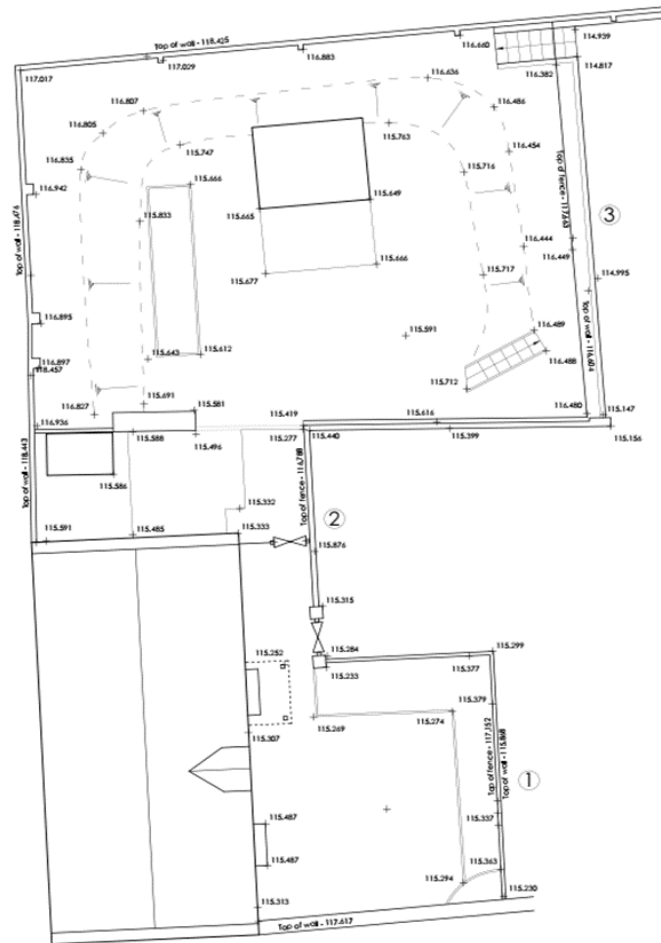
Following the consultation exercise, this application and the recently refused application for a porch canopy had the respective descriptions amended with the agreement with the applicant's agent.

An earlier call-in request from the local member related to both the porch and fencing. However following changes made to the respective planning and listed building applications, Councillor Ridout withdrew her call-in request for the porch, stating in an e-mail dated 23/11/2023; "*I agree entirely that the porch should be refused and the existing one removed therefore my call in is not required*".

The local member has however maintained her call-in request relating to the fencing stating; "*I wish my call in to remain for the existing fencing...*" which is triggered given that officers are opposed to it, hence the reason this report is brought before the area planning committee.







6. Planning Policy

National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 4. Decision-making

- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

Wiltshire Core Strategy (WCS)

Core Policy 31: Spatial Strategy for the Warminster Community Area
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment

Other

Warminster Neighbourhood Plan (made November 2016)

Planning (Listed Building and Conservation Areas) Act 1990

7. Summary of consultation responses

Warminster Town Council: *"Members objected to the application as it contravened planning consent and listed building consent previously granted"*.

WC Conservation Officer: *"Objects - In respect of the close boarded fence, its solid non-permeable character inhibits views towards the stable block and disrupts the views between it and the principal building, thereby eroding the historic interdependent relationship and introducing a too domestic feature, out of character with the site"*. Further comments made by the Conservation Officer have been incorporated into the main body of the report in section 9 below.

8. Publicity

The application was advertised by neighbour notification and the erection of a site notice. No responses were received.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

9.1 Design, and impact on the setting of listed buildings and character appearance of the conservation area

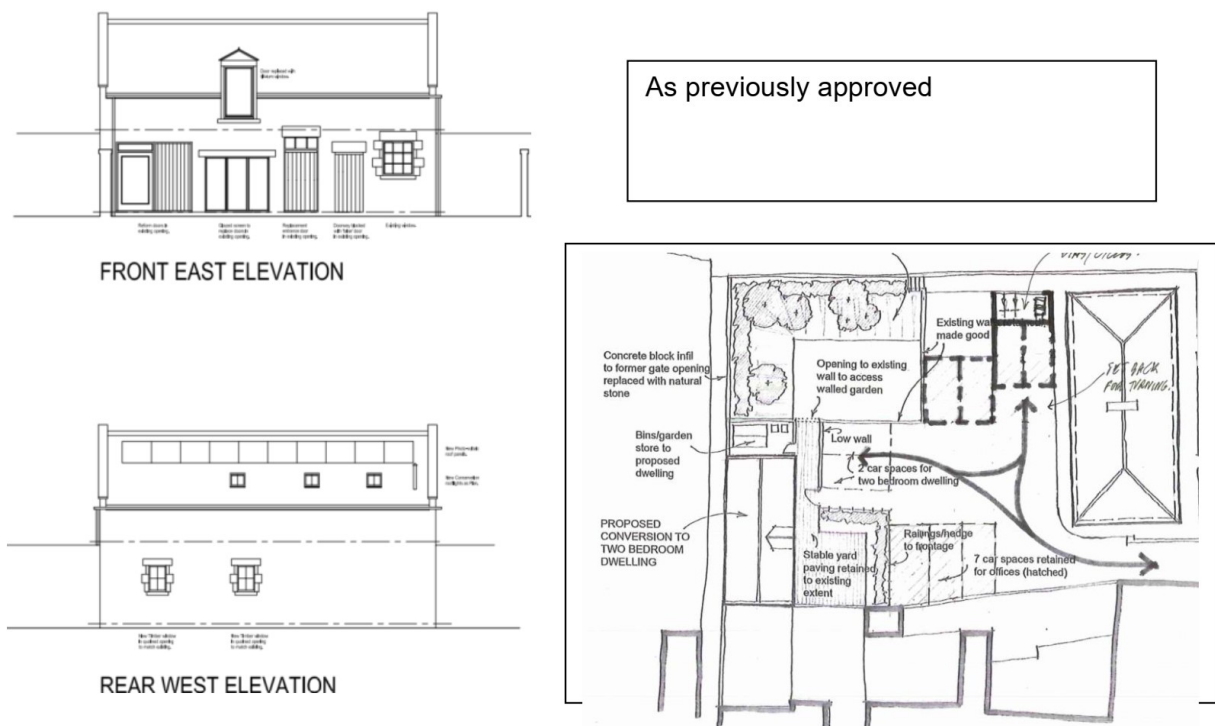
9.1.1 The stable block has historic and social interest, as a characteristic stable block evidencing the original form of transport for occupants of the main house (5 Ash Walk) and for the Police in the 19th Century. It is constructed of quality local materials, has a simple linear form, and sited to the rear and side of the principal building, again pointing to its ancillary use. The disposition of original openings provides evidential value of its former use, with the lack of domestic features underlining its ancillary role.

9.1.2 Within the justification for the unauthorised works, the applicant's agent states that:

"The Council has therefore accepted that the use of the building as a residential dwelling is acceptable from a heritage perspective, and as such it must be accepted that certain alterations are necessary in order for the building to function as a dwellinghouse".

9.1.3 The LPA accepted the conversion of the building to residential, but it was only acceptable on the basis that the special interest of the building was preserved and that the setting of the main house was not harmed. As such, the conversion scheme was negotiated and approved on that basis. Indeed, the applicant's agent goes on to quote from the original case officer report (the key word being 'negotiated'): *"The [original] proposals have been negotiated with a view to ensuring that the heritage asset is not harmed whilst providing for bringing the structures back into functional use as a functional dwelling for the applicant."*

9.1.4 With respect to the original proposals approved under applications: 16/07604/FUL and 16/07965/LBC, officers concerned themselves with the detailing of the scheme and the retention of features of significance such as the treatment of the openings, the retention of the setts to the front of the building and retaining the intervisibility between the principal listed building (No.5) and this ancillary building:



9.1.5 The key objective of the original planning and listed building approvals was to retain the visual linked relationship between the main house and the ancillary building and to preserve a sense of the courtyard and access drive being one space, as originally conceived. It was considered that the negotiated low stone wall would preserve a view of the building from the road, that the railings would allow a greater degree of security to the space and that hedging planted behind would enable the occupant to achieve a degree of privacy. It should also be remembered that this is effectively a 'front garden' and front gardens within urban locations often have limited privacy.

9.1.6 The LPA has approved some trellis (for the wall to the side and also to the rear of the dwellings for converted No.5). The trellis, as approved was not however to be sited in front of a principal elevation. To reiterate, the approved trellis in respect of the main building was only at the rear. That said, the existing developer (not the original applicant) has not erected trellis but instead, has recently installed metal railings, as were originally approved for the Coach House:



9.1.7 The application site is located within the Warminster conservation area. The map below shows the conservation area extending over the surrounding area (notated in dark green), with nearby listed buildings outlined in black hatching. The subject premises for this application is identified with a black dot in the middle:



9.1.8 The fencing which encloses the eastern boundary inhibits wider views of the Coach House including from public vantage points. Most notably, the front elevation of the Coach House is significantly obscured when viewed from Ash Walk (i.e., when looking down the vehicular entrance between No's. 3 and 5 as indicated by the black arrow in the above image). This is clearly shown in the following photograph:



9.1.9 Paragraph 140 of the NPPF states: *“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”*. Officers have concluded that the erection of the fencing with its solid non-permeable character inhibits views of the Coach House from the conservation area and also disrupts the views between it and the principal building. It has eroded the historic interdependent relationship and introduced a domestic feature which is out of character with the site, which in turn, harms the setting of the curtilage listed building.

9.1.10 Paragraph 205 of the NPPF advises that when considering the impact of development on the significance of designated heritage assets, **great weight** should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. In this instance the harm is considered to be less than substantial (paragraph 208), but nevertheless is of considerable importance and weight.

9.1.11 Under such circumstances, paragraph 208 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, which can include securing the optimal viable use of listed buildings. The host building in question has only recently been converted into a dwelling and there is no evidence whatsoever that without the unauthorised fencing, the future of the listed building would be at risk. Whilst the applicant’s desire for privacy is noted, it is considered that the originally approved scheme (i.e., with boundary railings with hedge planting behind) would have provided the same level of privacy and would have been far more sympathetic boundary treatment. Furthermore, the distance of the front elevation of the Coach House to the rear elevation of the principal listed building is 21 metres which is considered

sufficient to ensure there is no harmful overlooking/loss of privacy between the respective buildings.

9.1.12 It has also been concluded that no public benefits have been identified by the applicant which would outweigh the harm identified, and as a consequence, the proposal is contrary to the NPPF.

9.2 Neighbour amenity

9.2.1 No objections have been received from any neighbours. Given the design and positioning of the fencing which has been erected combined with the separation distances from neighbouring properties, it has been concluded that the unauthorised fencing has caused no demonstrable harm to neighbouring amenity interests.

10. Conclusion (The Planning Balance)

The proposal is not considered to comply with relevant policies of the adopted Wiltshire Core Strategy (notably CP57 and 58) and the NPPF, and accordingly it is recommended for refusal.

11. RECOMMENDATION: Refuse for the following reason:

The unauthorised fencing which has been erected with its solid non-permeable character inhibits views of the Coach House from the conservation area and also disrupts the views between it and the principal building. It has eroded the historic interdependent relationship and introduced a domestic feature which officers judge is out of character with the site and harms the setting of the curtilage listed building. With respect to the NPPF, the harm is not judged to be outweighed by any public benefits.

The application is not in accordance with sections 2 - Achieving sustainable development (paragraph 8), 12 - Achieving well-designed places (paragraphs 131, 135, 139 and 140), and 16 - Conserving and enhancing the historic environment (paragraphs 195, 203, 205, 206, 208, 212 and 214) of the National Planning Policy Framework, the Planning (Listed Building and Conservation Areas) Act 1990 and Core Policies 57 and 58 of the Wiltshire Core Strategy.

Informative

The decision on this application was made against the following plans:

23068-1 (Existing Site Survey, Plans and Section - Fencing only) dated 20/07/2023

23068-2 (Location Plan) dated 04/08/2023